

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST )	
FOR REVIEW BY: )	CHARGE NO.: 2009CN3308
)	EEOC NO.: 846-2008-60533
<b>TYRONE BOHEN</b> )	ALS NO.: 10-0144
)	
Petitioner. )	

**ORDER**

This matter coming before the Commission by a panel of two, Commissioners Rozanne Ronen, and Nabi Fakroddin, upon Tyrone Bohlen's ("Petitioner") Request for Review ("Request") of the Notice of Dismissal issued by the Department of Human Rights ("Respondent")<sup>1</sup> of Charge No. 2009CN3308; and the Commission having reviewed all pleadings filed in accordance with 56 Ill. Admin. Code, Ch. XI, Subpt. D, § 5300.400, and the Commission being fully advised upon the premises;

NOW, **WHEREFORE**, it is hereby **ORDERED** that the Respondent's dismissal of the Petitioner's charge is **SUSTAINED** on the following ground:

**FAILURE TO PROCEED**

In support of which determination the Commission states the following:

1. On September 30, 2008, the Petitioner filed an unperfected charge of discrimination with the EEOC. The charge was simultaneously cross-filed with the Respondent on the same date. On April 1, 2009, the Petitioner perfected his charge and elected to proceed before the Respondent.
2. The Petitioner alleged that Wolf Camera/Ritz Camera ("Employer") harassed him and discharged him because of his sex, male, in violation of Section 2-102(A) of the Illinois Human Rights Act ("Act").
3. The Employer filed for bankruptcy in November 2009.

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<sup>1</sup> In a Request for Review Proceeding, the Illinois Department of Human Rights is the "Respondent." The party to the underlying charge requesting review of the Department's action shall be referred to as the "Petitioner."

4. On November 25, 2009, the Respondent sent the Petitioner a notice. The November 25<sup>th</sup> notice informed the Petitioner that he was required to obtain a Proof of Claim and/or a Waiver to Proceed from the Bankruptcy Court by December 30, 2009, or else the Respondent might dismiss charge for failure to proceed. The November 25<sup>th</sup> notice also informed the Petitioner that he could request an extension of time from the Respondent to obtain the Proof of Claim and/or Waiver to Proceed.
5. The Petitioner did not submit a Proof of Claim and/or a Waiver to Proceed to the Respondent, nor did the Petitioner request an extension of time to do so.
6. On February 8, 2010, the Respondent issued the Petitioner a *Notice of Dismissal for Failure to Proceed* pursuant to 775 ILCS § 5/7A-102(D) of the Act and 56 Ill. Admin. Code Section 2520.560 due to the Petitioner's failure to obtain the Proof of Claim and/or Waiver to Proceed.
7. On February 25, 2010, the Petitioner filed this timely Request. The Petitioner does not address the basis for the Respondent's dismissal of his charge.
8. In its Response, the Respondent asks the Commission sustain the dismissal of the Complainant's charge for failure to proceed because the Petitioner failed to obtain the proper documents from the Bankruptcy Court that would have permitted the Respondent to proceed with its investigation of the charge.

## **CONCLUSION**

The Commission concludes the Respondent properly dismissed the Petitioner's charge for failure to proceed.

Pursuant to 56 Ill. Admin. Code, Ch. II, § 2520.430(c),... "a complainant must cooperate with the Department, provide necessary information and be available for interviews and conferences upon reasonable notice or request by the Department. If a complainant cannot be located or does not respond to reasonable requests by the Department, the Department may dismiss the charge pursuant to Section 2520.560 of this Part."

The Petitioner's failure to provide the Respondent with the Proof of Claim and/or a Waiver to Proceed prevented the Respondent from proceeding with its investigation of the Petitioner's charge. Therefore, the Respondent committed no error in dismissing the Petitioner's charge pursuant to § 2520.560.

Accordingly, it is the Commission's decision that the Petitioner has not presented any evidence to show that the Respondent's dismissal of his charge was not in accordance with the Act. The Petitioner's Request is not persuasive.

**THEREFORE, IT IS HEREBY ORDERED THAT:**

The dismissal of the Petitioner's charge is hereby **SUSTAINED**.

This is a final Order. A final Order may be appealed to the Appellate Court by filing a petition for review, naming the Illinois Human Rights Commission, the Illinois Department of Human Rights, and Wolf Camera/Ritz Camera, as Respondents with the Clerk of the Appellate Court within 35 days after the date of service of this Order.

**STATE OF ILLINOIS**

**HUMAN RIGHTS COMMISSION**

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**Entered this 13<sup>th</sup> day of October 2010.**

Commissioner Rozanne Ronen

Commissioner Nabi Fakroddin